

Transportation Commission

January 25, 2012

Item 4C

Action

Transportation Commission Bylaw Revisions

Background

In 2002, the Transportation Commission (Commission) was created. As stipulated in the (Alameda Municipal Code – AMC – 2-16.1), the Commission is to “advise the City Council on City transportation policies, through the development of transportation plans including, but not limited to, a Transit Plan, Bike Plan, Circulation Plan, Pedestrian Plan, and Transportation Demand Management Plan, and shall monitor, via quarterly staff reports, the implementation of approved transportation plans and policies.” The roles and responsibilities of the Commission are codified in the AMC, which is included in Exhibit 1. The Bylaws govern the conduct of the Commission by providing procedures on the maintenance of membership, officer descriptions, meeting time and location, order of business, meeting minutes, rules of order and attendance. The Bylaws are provided in Exhibit 2. Public Works Department staff is recommending an update of the Bylaws to correspond 1) with the City’s new Sunshine Ordinance, which was adopted on November 1, 2011 and is now incorporated into the AMC as Sections 2-90 through 2-93; 2) with the updated AMC Section 2-16 (Transportation Commission), which was adopted on April 5, 2011; and 3) to reflect new meeting times, as recommended by the City Manager’s Office.

Discussion

Public Works Department staff is recommending the revision of the following four sections of the Bylaws – Membership, Rules of Order, Meetings and Minutes.

Membership

A discrepancy exists between the AMC (2-16.2) and the Bylaws regarding the number of members and the process used to appoint them. Thus, staff recommends changing the Bylaws to correspond with the AMC. Staff also is recommending to eliminate language that is no longer needed in “B. Term of Office.”

- A. Appointment. **The Commission shall consist of seven (7) members nominated by the Mayor and appointed by the City Council.** ~~The Transportation Commission shall consist of nine (9) voting members appointed by the City Council.~~ The voting members shall be selected to represent a diversity of transportation modes and be balanced between commuter, business, and recreational use. No more than two (2) non-resident members shall serve as voting members at the same time. In addition to these **seven (7)** ~~nine (9)~~ voting members, one AC Transit and one BART representative shall be non-voting, ex-officio members of the Commission should these agencies choose to send a representative. Except for the AC Transit and BART representatives, the **seven (7)** ~~nine (9)~~ appointed representatives shall, at the time of their appointment and continuously during their incumbency, either be residents of the City or employed by a business operating within the City.

- B. Term of Office. Appointed members shall serve four (4) year terms. ~~Initially, four (4) members will serve two year terms and five (5) members will serve four year terms. Thereafter, all members will serve four year terms.~~ A new member may be appointed to fulfill the unexpired term of a member who can no longer serve. Appointed Commissioners shall serve a maximum of two full terms plus any unexpired term, which the member has been appointed to complete. The Chairperson and Vice-Chairperson, selected by the Commission, shall each serve for a one (1) year term or until successors are appointed.

Rules of Order

Staff recommends changing the below Bylaws section to correspond with the AMC (AMC 2-16.3b).

- C. Commission Deliberation.
- m. Voting. ~~A majority vote of members in attendance at a properly called meeting shall be necessary for any action of the Commission. Five (5) voting members of the Commission shall constitute a quorum.~~ **The votes of a majority of the entire membership of the Commission shall be necessary to take any action thereof.** If a motion fails to receive the required number of votes to pass or fail, the request of any commissioner would cause the item to be carried over to the next meeting.

Meetings

Staff recommends revising the Bylaws to reflect the new meeting time of 7:00 p.m., to have bi-monthly meetings instead of monthly meetings, and to correspond with the AMC for 1) public notifications (2-91.5a), 2) adjournment at 11:00 p.m. (2-91.13f) and 3) special meetings (2-91.4f).

- A. Regular Meetings. The Commission shall meet at **7:00 p.m.** ~~7:30 p.m.~~ on the fourth Wednesday of **every other** ~~each~~ month. When the fourth Wednesday falls on a holiday, the Chair may schedule an alternate date consistent with procedures for Special Meetings or defer to the subsequent meeting date. In compliance with the Brown Act, all meetings shall be open and public. An agenda will be prepared and posted **seven (7) days before a regular meeting.** ~~72 hours prior to regular meeting.~~
- B. Special Meetings. Special meetings may be called ~~by the Chair or by 5 or more Commissioners if determined to be necessary for discharge of the Commission's responsibilities.~~ **at any time by the Chair or by a majority of the Commissioners, by delivering personally or by mail written notice to each Commissioner and the local media who have requested written notice of special meetings in writing.** The Secretary shall poll Commissioners and attempt to arrange a date and time convenient to all Commissioners. A minimum of 48 hours notice shall be given each Commissioner, unless Commissioners have

unanimously consented to date and time of the special meeting. If all Commissioners agree to date and time of a special meeting, the public will be given a minimum of **seven (7) days before the time of such meeting as specified in the** ~~24 hours~~ notice, consistent with Brown Act **and AMC** requirements.

- C. Adjournment. Meetings shall adjourn **no later than 11:00 p.m.** ~~at 9:30 p.m.~~ By a ~~simple~~ majority vote, the Commission may extend the meeting to an additional specified amount of time.

(1) If the Commissioners extend three meetings in a row past 11:00 p.m., the Commissioners shall also be required, as a part of the motion to extend the meeting, to increase the number of regular meetings of the Commission to accomplish the business before the Commission before 11:00 p.m.

(2) No new items will begin after 10:30 p.m. unless a supermajority of the Commission votes to allow the items to be heard. Announcements and communications may continue to be heard after 10:30 p.m. whether or not a supermajority of the Commission has voted to extend the meeting.

Minutes

Staff is recommending the addition of a reference to the AMC (2-91.16) to ensure that the City follows the AMC's procedures pertaining to minutes.

- A. General Policy Statement on Minutes of Meeting. ~~It is the general policy of the Transportation Commission to prepare draft minutes of the deliberations of the Commission. These minutes will include speakers on every question and the basic position taken on the issue addressed. Minutes must be finalized and adopted by the majority of Commission members in order to be regarded as an official record of the Transportation Commission.~~

The clerk or secretary of the Commission shall record the minutes for each regular and special meeting of the Commission. The minutes shall state the time the meeting was called to order, the names of the Commissioners attending the meeting, the roll call vote on each matter considered at the meeting, the time the Commission began and ended any closed session, the names of the Commissioners and the names, and titles where applicable, of any other persons attending any closed session, a list of those members of the public who spoke on each matter if the speakers identified themselves, whether such speakers supported or opposed the matter, a brief summary of each person's statement during the public comment period for each agenda item, and the time the meeting was adjourned. Any person speaking during a public comment period may supply a brief written summary of their comments, which shall, if no more than 150 words, be included in the minutes.

The draft minutes of each meeting shall be available for inspection and copying upon request no later than ten working days after the meeting. The officially adopted minutes shall be available for inspection and copying upon request no later than ten working days after the meeting at which the minutes are adopted. Upon request, minutes required to be produced by this section shall be made available in Braille or increased type size.

Budget Considerations/Fiscal Impact

Due to reduced City resources, the City is recommending bi-monthly Commission meetings to reduce staff workload and City costs. There is no impact to the General Fund.

Recommendation

Staff recommends that the Commission members review and approve the Transportation Commission Bylaw Revisions.

Exhibit 1: City of Alameda Municipal Code – Sections Related to the Transportation Commission

2-16.1 - Commission Created; Purpose.

There is hereby created a commission which shall be known as the Transportation Commission. The Commission shall advise the City Council on City transportation policies, through the development of transportation plans including, but not limited to, a Transit Plan, Bike Plan, Circulation Plan, Pedestrian Plan, and Transportation Demand Management Plan, and shall monitor, via quarterly staff reports, the implementation of approved transportation plans and policies. The Transportation Commission shall review proposed plans and policies with the Planning Board, where appropriate, prior to making recommendations to Council. The Transportation Commission may review major transportation plans, including project plans and documents that affect transportation systems in the City, for the purpose of providing comments to and advising the Planning Board and/or City Council, when and where appropriate, as to the consistency of the proposed plans or documents with established and/or adopted City of Alameda transportation policies.

(Ord. No. 3029 N.S., § 1, 4-5-2011)

2-16.2 - Membership; Appointment; Term of Office; Removal; Vacancies.

a. The Commission shall consist of seven (7) members, all of whom shall, at the time of their appointment and during their incumbency, be residents of the City, unless otherwise noted below in subsection 2-16.5.

b. Upon nomination of the Mayor, the City Council shall appoint, between May 1 and July 1 of each year, such members as are necessary to maintain a full Commission, for terms commencing on the first day of July following such appointment and continuing for four (4) years thereafter until the successor of such member is appointed and qualified unless otherwise noted below in subsection 2-16.5.

c. No person shall be eligible for the office held by that person for two (2) consecutive terms immediately prior to the term for which the person seeks appointment.

d. A member of the Commission may be removed by the vote of a majority of the Council. A vacancy in the office of a member shall be filled for the unexpired term by nomination and appointment by the Mayor and the City Council, respectively, for the duration of the unexpired term of office.

(Ord. No. 3029 N.S., § 1, 4-5-2011)

2-16.3 - Meetings; Officers; Voting.

a. The Commission shall meet as necessary to perform the duties outlined in subsection 2-16.4. Meetings shall be held on a fiscal year schedule, running July 1 through June 30. The Commission shall have the power to establish rules for its proceedings and select from its membership a Chairperson and a Vice-Chairperson, each of whom shall serve in such offices for a term of one (1) year or until successors are selected.

b. The votes of a majority of the entire membership of the Commission shall be necessary to take any action thereof.

(Ord. No. 3029 N.S., § 1, 4-5-2011)

2-16.4 - Duties of Commission.

It shall be the duty of the Transportation Commission to:

- a. Develop transportation policy recommendations for City Council approval. Such policy recommendations shall be consistent with other adopted City plans and policies. The Transportation Commission shall consider the economic, community development (including environmental, aesthetic, public health and safety, and social welfare) and legal impacts of any recommended policies.
- b. Review and advise the appropriate City departments, committees, commissions, boards, and City Manager on transportation related documents.
- c. Review major transportation plans, including project plans and documents that affect transportation systems in the City for the purpose of providing comments and advising the Planning Board and/or City Council, when and where appropriate, on the consistency of the proposed plans or documents with established and/or adopted City of Alameda transportation policies.
- d. Review and provide recommendations on referrals submitted by Public Works Director pursuant to Alameda Municipal Code subsections 8-1.1, 8-5.1, 8-8.1, 8-20.3, 8-20.4 and 8-27.3.
- e. Perform the role as an appeals hearing board as designated in Alameda Municipal Code subsection 8-1.3.

In no event shall the authority of the Transportation Commission subvert, duplicate, or lessen the authority, duties, and responsibilities of existing City Committees, Commissions, Boards, or of the City Manager.

(Ord. No. 3029 N.S., § 1, 4-5-2011)

2-16.5 - Composition of Commission; Special Terms; Qualifications, and Conditions.

- a. A maximum of two (2) members may be non-residents of Alameda, employed by a business operating within the City of Alameda.
- b. Members shall be selected to represent the diversity of transportation modes and be balanced between commuter, business, and recreational use.

(Ord. No. 3029 N.S., § 1, 4-5-2011)

2-16.6 - Appeal of Transportation Commission Decision.

- a. Any interested person may file an appeal of a decision of the Transportation Commission by filing a written letter with the City Clerk within ten (10) days of the Transportation Commission decision and submitting an appeal fee as set forth by the master fee resolution. Appellant must state the reason for the appeal.
- b. Any member of City Council may call for a review of the decision of the Transportation Commission by notifying the City Clerk. The call for review must be done within ten (10) days of the Transportation Commission decision. No fee shall be paid for a call for review.
- c. Appeals or calls for review shall be scheduled for public hearing and decision by the City Council no later than the third regularly scheduled and held meeting following submittal of the appeal or call for review. An alternate date for the hearing may be selected by mutual agreement of the appellant and the City.
- d. The City Council shall review the appeal de novo and may affirm, reverse or remand. The appeal fee will be refunded only if the decision of the Transportation Commission is reversed.

(Ord. No. 3029 N.S., § 1, 4-5-2011)

Exhibit 2: City of Alameda Transportation Commission Bylaws

I. GENERAL PROVISIONS

- A. These Bylaws shall be known as "Bylaws of the Transportation Commission, City of Alameda." A copy of these Bylaws and amendments thereto shall be filed in the Public Works Department for examination by the public.
- B. These Bylaws, and any amendments thereto, shall be effective on the date of the adoption hereof and shall govern the conduct of the Transportation Commission.
- C. These Bylaws may be amended hereafter by a majority vote of the Transportation Commission except for the rules of membership and purpose of the committee which require City Council action.

II. PURPOSE OF THE COMMISSION

The purpose, scope, duties and authority of the Transportation Commission (TC) was approved by the City Council at the Council meeting on April 16, 2002. Generally, the commission shall advise the City Council on City transportation policies, through the development of transportation plans including but not limited to Transit Plans, Bike Plan, Circulation Plan, Pedestrian Plan, Ferry Plan, and Transportation Demand Management Plans, and shall monitor, via quarterly staff reports, implementation of approved transportation plans and policies. The TC shall review proposed plans and policies with the Planning Board, where appropriate, prior to making recommendations to Council. In no event shall the authority of the Transportation Commission subvert, duplicate, or lessen the authority, duties, and responsibilities of existing City Committees, Commissions, Boards, and City Manager.

III. MEMBERSHIP

- A. Appointment. The Transportation Commission shall consist of nine (9) voting members appointed by the City Council. The voting members shall be selected to represent a diversity of transportation modes and be balanced between commuter, business, and recreational use. No more than two (2) non-resident members shall serve as voting members at the same time. In addition to these nine (9) voting members, one AC Transit and one BART representative shall be non-voting, ex-officio members of the Commission should these agencies choose to send a representative. Except for the AC Transit and BART representatives, the nine (9) appointed representatives shall, at the time of their appointment and continuously during their incumbency, either be residents of the City or employed by a business operating within the City.
- B. Term of Office. Appointed members shall serve four (4) year terms. Initially, four (4) members will serve two-year terms and five (5) members will serve four-year terms. Thereafter, all members will serve four-year terms. A new member may be appointed to fulfill the unexpired term of a member who can no longer serve. Appointed Commissioners shall serve a maximum of two full terms plus any unexpired term, which the member has been appointed to complete. The Chairperson and Vice-Chairperson, selected by the Commission, shall each serve for a one (1) year term or until successors are appointed.
- C. Maintenance of Membership. Persons appointed members shall continue to serve except for:
 - a. Expiration of their term and appointment of their successor.
 - b. Voluntary resignation.
 - c. Failure to attend 75% of meetings held during any 12 month period, whether excused or not excused.
 - d. Members who are no longer residents of the City should there already be two voting non-resident members on the TC.

In accordance with the above, Chair is authorized to communicate with individual members whose absences exceed the 75% standard to seek their resignation if they cannot attend the prescribed number of meetings and, if unsuccessful, to remind them that one subsequent missed meeting will mean an automatic dismissal from the Commission.

IV. OFFICERS

- A. The officers of the Commission shall be:
- Chair: who shall preside at all meetings of the Commission, call special meetings, appoint committees, and perform other proper duties of a presiding officer. Except as otherwise authorized by the Commission, the Chair shall sign all correspondence, reports and other instruments approved by the Commission and perform other activities as directed by a majority of the Commission.
- Vice Chair: who shall perform the duties of the Chair in the absence or incapacity of the Chair; and in case of the resignation or other permanent absence of the Chair, the Vice Chair shall perform such duties as are imposed on the Chair until such time as the Commission shall select a new chair.
- Secretary: who shall keep a written record of all business transacted by the Commission, notify members of meetings, maintain the official records of the Commission, and perform such other duties as the Commission may direct.
- B. The Chair and Vice Chair shall be elected by the Commission from its membership at the first meeting after July 1 of each year when the Commission is fully constituted. The Deputy Public Works Director or other City staff as appointed by the DPWD shall serve as Secretary to the Transportation Commission.
- C. Secretary. The Secretary of the Commission shall: (a) supply the Commissioners with such information and make such recommendation as deemed necessary to carry out the purposes of the Commission and to properly administer its affairs; and (b) keep the records of the Commission.
- D. Additional Duties. The officers of the Commission shall perform such other duties and functions as may from time to time be required by the Commission.

V. MEETINGS

- A. Regular Meetings. The Commission shall meet at 7:30 p.m. on the fourth Wednesday of each month. When the fourth Wednesday falls on a holiday, the Chair may schedule an alternate date consistent with procedures for Special Meetings or defer to the subsequent meeting date. In compliance with the Brown Act, all meetings shall be open and public. An agenda will be prepared and posted 72 hours prior to regular meeting.
- B. Special Meetings. Special meetings may be called by the Chair or by 5 or more Commissioners if determined to be necessary for discharge of the Commission's responsibilities. The Secretary shall poll Commissioners and attempt to arrange a date and time convenient to all Commissioners. A minimum of 48 hours notice

shall be given each Commissioner, unless Commissioners have unanimously consented to date and time of the special meeting. If all Commissioners agree to date and time of a special meeting, the public will be given a minimum of 24 hours notice, consistent with Brown Act requirements.

- C. Meeting Location. Meetings shall be held in the City Hall Council Chambers or other appropriate location that is accessible by public transit. When the City Hall Council Chambers are unavailable and in exceptional circumstances, the Commission may change this meeting location by notice on its agenda
- D. Adjournment. Meetings shall adjourn at 9:30 p.m. By a simple majority vote, the Commission may extend the meeting to an additional specified amount of time.

VI. AGENDA

A. Order of Business

1. Roll Call
2. Minutes
3. Oral Communications, Non-Agenda
4. New Business
5. Unfinished Business
6. Staff Communications
7. Announcements
8. Adjournment

B. Placement of items on meeting agenda by Commission Members.

Any Commission Member may place items on any regular or special agenda pertaining to the Commission's jurisdiction for discussion or action by the Commission. All Member requests for items to be placed on a meeting agenda must be received by the Secretary at least ten (10) working days prior to the scheduled meeting date. Legal holidays and weekends will not be considered regular working days. The Secretary shall accept both written and verbal requests.

VII. MINUTES

- A. General Policy Statement on Minutes of Meeting. It is the general policy of the Transportation Commission to prepare draft minutes of the deliberations of the Commission. These minutes will include speakers on every question and the basic position taken on the issue addressed. Minutes must be finalized and adopted by the majority of Commission members in order to be regarded as an official record of the Transportation Commission.

- B. Method of Documentation. In general, the minutes will be summary only, and not verbatim recordation of all discussions during Commission meetings. However, any Commission Member may request through the presiding officer, the privilege of having a written abstract of said Member's statement on any subject under consideration by the Commission entered in the minutes. If the Commission consents thereto, such statement shall be entered in the minutes.
- C. Public Comment. Any member of the public during Oral Communications may request that corrections or deletions be made to the minutes. These requests may be acted upon by the Transportation Commission with appropriate review and deliberation and in accordance with the Brown Act.

VIII. RULES OF ORDER

The following definitions and rules shall govern the proceedings and order of business of the Commission:

- A. Motions. The acts of the Commission shall be expressed by motion. No motion shall have any validity or effect unless passed by the affirmative votes of a majority of the members present, provided the members constitute a quorum of the Commission. A tie vote is a negative decision of the Commission. All motions except for a point of order shall require a second.
- B. Public Discussion.
 - a. Description of Item. Prior to public discussion or Commission deliberation, the presiding officer or other person designated thereby shall describe the item or business before the Commission.
 - b. Permission. Any person addressing the Commission shall first secure the permission of the presiding officer.
 - c. Not a Debate. Public discussion should not be used to elicit a debate between Commission members and the public. Speakers should not be interrupted unless they are out of order.
 - d. Time Limits. No one shall speak for more than 3 minutes without permission of the Chair.
 - e. Pending Motion. When a motion is pending before the Commission, no person other than a Commission Member shall address the Commission without first securing the permission of the Commission to do so.

- f. Public Discussion. Public Discussion shall precede Commission deliberation.
- g. No discussion shall be permitted without approval of the Commission after a motion, which would terminate further deliberation has been adopted.

C. Commission Deliberation.

- a. Presiding Officer May Deliberate. The presiding officer may deliberate from the chair, subject only to such limitations of deliberation as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a Member of the Commission by reason of his or her acting as the presiding officer.
- b. Conflict of Interest. In situations where there is a conflict of interest, of the Transportation Commission are required to abstain from voting on the item and participating in the decision-making process. The following procedures should be followed
 - 1. Declare the conflict of interest.
 - 2. State the basis of the conflict of interest.
 - 3. Do not discuss or vote on the matter.
 - 4. Step down from the podium until the item is completed.

[Note: This subsection to be used when commission is subject to City or State Conflict of Interest Rules. Steps 1-3 are required; Step 4 is recommended.]

- c. Getting the Floor - Improper References to be Avoided. Every Member desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine himself or herself to the questions under deliberation, avoiding all personalities and indecorous language.
- d. Interruptions. A Member, once recognized, shall not be interrupted when speaking unless it be to call said Member to order, or as herein otherwise provided. If a Member, while speaking, is called to order, said Member shall cease speaking until the question of order is determined, and if in order, said Member shall be permitted to proceed.
- e. Remarks of Commission Member - When Entered in Minutes. Any Commission Member may request, through the presiding officer, the privilege of having a written abstract of said Member's statement on any subject under consideration by the Commission entered in the minutes. If the Commission consents thereto, such statement shall be entered in the minutes.

- f. Motion to Reconsider. A motion by a Member to reconsider any action taken by the Commission may be made only on the date such action was taken. It may be made either immediately during the same session; or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, and may be made at any time and have precedence over all other motions or while a Member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any Member of the Commission from making or remaking the same or other motion at a subsequent meeting of the Commission or a motion to rescind.
- g. Motion to Table. A motion to lay on the table shall preclude all amendments or deliberation of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion of a Member voting with the majority.
- h. Motion to Call for Question or Continue to a Date Specific. A motion to call for the question or continue the matter to a specific date shall preclude all amendments to or deliberation of the subject under consideration and is not debatable.
- i. Statement of Position. When a motion to call for question or table is adopted, each Member of the Commission may briefly state his/her position on the matter before roll call or call for the next item of business.
- j. Privilege of Closing Deliberation. The Commission Member moving the adoption of a motion shall have the privilege of closing the deliberations or making the final statement.
- k. Division of Question. If the question contains two (2) or more divisible propositions, the presiding officer may, and upon request of a Member shall, divide the same.
- l. Second Required. All motions except for a point of order shall require a second.
- m. Voting. A majority vote of members in attendance at a properly called meeting shall be necessary for any action of the Commission. Five (5) voting members of the Commission shall constitute a quorum. If a motion fails to receive the required number of votes to pass or fail, the request of any commissioner would cause the item to be carried over to the next meeting.
- n. Forms of Action. The Commission may act by motion or resolution. All motions shall be recorded in the minutes verbatim. All resolutions shall

be in writing and the title shall be recorded verbatim in the minutes as well as the vote thereon.

- o. Miscellaneous. All other matters not covered by these rules shall be decided by a majority of the Commission. Roberts Rules of Order may be used as a guide.

IX ATTENDANCE

1. It shall be the responsibility of each Commission Member to notify the Secretary, who shall thereupon notify the Chair, of an inability to attend a scheduled Commission meeting.

X. PREEMPTION

1. The applicable City of Alameda's policies, resolutions and ordinances and state and federal laws shall prevail where a conflict exists between any of them and these Bylaws.